

LAW OFFICES
JOHN D. HEFFNER, PLLC
1750 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006
PH: (202) 296-3333
FAX: (202) 296-3939

227456

CORRECTED COPY

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July 20, 2010

Ms. Cynthia J. Brown
Chief, Section of Administration
Surface Transportation Board
395 F Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

JUL 20 2010

Part of
Public Record

**RE: STB Finance Docket No. 35348, CSX Transportation, Inc., and
Delaware and Hudson Railway Company, Inc.-Joint Use Agreement**

**Motion of New York New Jersey Rail, LLC for Leave to File out of
Time and for Limited Intervention**

Dear Ms. Brown:

I am writing on behalf of New York New Jersey Rail, LLC ("NYNJ"), in connection with the above-captioned proceeding. The procedural schedule adopted by the Board on May 27, 2010 provided that June 7 was the deadline for filing a Notice of Intent to participate, July 2 was the due date for submitting public comments, and July 23 will be the deadline for filing any replies to those comments. By this letter, NYNJ seeks leave to intervene out of time for the limited purpose of correcting a misstatement contained in the July 2, comments of the New York & Atlantic Railway Company ("NYA") I have spoken with counsel for both CSX Transportation and Delaware & Hudson Railway who authorize me to state that their clients have no objection to NYNJ's motion for leave to intervene out of time.

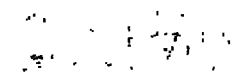
My purpose in submitting this filing is to correct certain inaccuracies in the comments submitted by the NY&A in this proceeding on July 2, 2010. NYNJ is not currently a party to this proceeding and does not currently have a position either for or against the Applicants' Joint Use Agreement or NYA's request for relief. It is submitting these comments merely to correct the record.

As background information, NYNJ is a class III short line railroad that is wholly owned and managed by the Port Authority of New York and New Jersey ("PANYNJ"). PANYNJ is not a party to this proceeding and has not taken a position for or against Applicants' Joint Use Application or NYA's request for relief. NYNJ acquired and operates the railroad operations of the former New York Cross Harbor Railroad Terminal Corporation ("NYCH"). Since 1983 NYCH has owned and operated and NYNJ now owns and operates rail float facilities located in Brooklyn, NY, and Greenville, NJ. NYNJ is the *only* rail carrier that provides a car float service between Long Island and the rest of the country at Greenville.

At page two of the Public Version of its Comments and at pages one and two of the accompanying Verified Statement of its President Paul Victor, NYA asserts that "[t]he Company interchanges traffic with ...Norfolk Southern Railway Company and CSXT at Greenville, NJ (via the car float that is operated by New York New Jersey Rail, LLC)." This is inaccurate. While NYA does handle traffic to and from points on Norfolk Southern and CSXT through Greenville, it does that by interchanging with NYNJ in Brooklyn, NY. Eastbound freight through Greenville, originating at points on the Norfolk Southern or CSXT system, is interchanged with Consolidated Rail Corporation at Greenville, loaded onto a barge by NYNJ and floated across the Harbor by NYNJ, unloaded and then interchanged with NYA in Brooklyn. Similarly, westbound freight received from NYA in Brooklyn is loaded onto a barge by NYNJ, floated across the Harbor by NYNJ, unloaded and delivered to Consolidated Rail Corporation at Greenville for ultimate interchange to either Norfolk Southern or CSXT as appropriate.

NYNJ appreciates the opportunity to clarify the record in this proceeding.

Respectfully submitted,



John D. Heffner
Its counsel

cc. Mark H. Sidman, Esq.
Terrence Hynes, Esq.
Louis Gitomer, Esq.